

Richard A. Harpootlian, *pro hac vice*  
*rah@harpootlianlaw.com*  
Phillip Barber, *pro hac vice*  
*pdb@harpootlianlaw.com*  
RICHARD A. HARPOOTLIAN, PA  
1410 Laurel Street  
Columbia, South Carolina 29201  
Telephone: (803) 252-4848  
Facsimile: (803) 252-4810

BRYAN M. SULLIVAN (SBN 209743)  
*bsullivan@earlysullivan.com*  
ZACHARY C. HANSEN (SBN 325128)  
*zhansen@earlysullivan.com*  
EARLY SULLIVAN WRIGHT GIZER & McRAE LLP  
6420 Wilshire Boulevard, 17th Fl.  
Los Angeles, California 90048  
Telephone: (323) 301-4660  
Facsimile: (323) 301-4676

Attorneys for PLAINTIFF  
ROBERT HUNTER BIDEN

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

ROBERT HUNTER BIDEN, an  
individual,  
  
Plaintiff,  
  
vs.  
  
PATRICK M. BYRNE, an individual,  
  
Defendant.

**Case No. 2:23-cv-09430-SVW-PD**

*Hon. Stephen V. Wilson*

**PLAINTIFF ROBERT HUNTER  
BIDEN'S *EX PARTE* APPLICATION  
FOR AN ORDER ENFORCING  
THE COURT'S AUGUST 5, 2025  
ORDER (ECF NO. 311)  
REGARDING SERVICE ON  
DEFENDANT; DECLARATION OF  
BRYAN M. SULLIVAN**

*[[Proposed] Order filed and served  
concurrently herewith]*

Complaint Filed: November 8, 2023  
Trial Date: October 14, 2025

1 **PLEASE TAKE NOTICE** that Plaintiff Robert Hunter Biden (“Plaintiff”), by and  
2 through his attorneys of record, hereby applies *Ex Parte* to this Court for an order  
3 enforcing the August 5, 2025 Order Declining To Grant Default Judgment; Continuing  
4 Trial; And Reopening Limited Discovery For Plaintiff (ECF No. 311) (the “August 5  
5 Order”) requiring Michael M. Murphy, Esq., counsel of record for Defendant Patrick  
6 M. Byrne (“Defendant”), to accept service of documents on Defendant as required by  
7 Paragraph III.C.1 of the August 5 Order or to provide Plaintiff’s counsel with  
8 Defendant’s email address for service of documents. This application is being made on  
9 the basis that good cause exists because Mr. Murphy claims he is no longer counsel of  
10 record for Defendant in this case and has stated that he will not accept service of any  
11 documents on Defendant. This is directly contradictory to the August 5 Order stating:

12 Defendant must provide Plaintiff with an email address for  
13 electronic service or a physical address for mail or overnight  
14 delivery service of documents. Until Defendant does so, the  
15 Court will not allow Mr. Murphy to withdraw from the case.

16 In the Court’s own words, the purpose of this paragraph was “to facilitate the timely  
17 completion of this new discovery....”

18 Plaintiff respectfully requests that this *Ex Parte* Application be resolved on the  
19 papers, without oral argument, pursuant to the Court’s Standing Order, in Courtroom  
20 10A before the Honorable District Court Judge Wilson.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 Plaintiff's counsel has provided Notice of this *ex parte* application to Defendant  
2 through Mr. Murphy as required by the August 5 Order. (*See* Declaration of Bryan M.  
3 Sullivan, ¶5, Exh. "A".)

4  
5 Dated: August 13, 2025

EARLY SULLIVAN WRIGHT  
GIZER & MCRAE LLP

7 By: /s/ Bryan M. Sullivan

8 BRYAN M. SULLIVAN (State Bar No.  
9 209743)  
bsullivan@earlysullivan.com  
10 ZACHARY C. HANSEN (State Bar No.  
11 325128)  
zhansen@earlysullivan.com  
EARLY SULLIVAN WRIGHT GIZER  
& McRAE LLP  
12 6420 Wilshire Boulevard, 17th Fl.  
Los Angeles, California 90048  
13 Telephone: (323) 301-4660  
Facsimile: (323) 301-4676

14  
15 Richard A. Harpootlian, *pro hac vice*  
rah@harpootlianlaw.com  
16 Phillip Barber, *pro hac vice*  
pdb@harpootlianlaw.com  
17 RICHARD A. HARPOOTLIAN, PA  
1410 Laurel Street  
18 Columbia, South Carolina 29201  
Telephone: (803) 252-4848  
19 Facsimile: (803) 252-4810

20 *Attorneys for Plaintiff*  
21 *Robert Hunter Biden*  
22  
23  
24  
25  
26  
27  
28

**MEMORANDUM OF POINTS AND AUTHORITIES**

Following what the Court itself described as a “circus” relating to Defendant Patrick Byrne’s (“Defendant”) attorney shell game on July 29, 2025 and the Court’s sanctions of Defendant for that conduct, on August 5, 2025, the Court issued the Order Declining To Grant Default Judgment; Continuing Trial; And Reopening Limited Discovery For Plaintiff (ECF No. 311) (the “August 5 Order”). As stated by the Court, “to facilitate the timely completion of this new discovery,” in Paragraph III.C.1 of the August 5 Order, the Court ordered:

Defendant must provide Plaintiff with an email address for electronic service or a physical address for mail or overnight delivery service of documents. Until Defendant does so, the Court will not allow Mr. [Michael] Murphy to withdraw from the case.

(ECF No. 311.) In accordance with that provision and because Defendant has not yet provided Plaintiff with an email address for electronic service or a physical address for mail or overnight delivery service of documents, Plaintiff served document requests on Mr. Murphy on August 7, 2025 without objection, and, on August 12, 2025, Plaintiff sent Mr. Murphy an email pursuant to Local Civil Rule 7-3 concerning a motion for further sanctions. Declaration of Bryan M. Sullivan (“Sullivan Decl.”), ¶ 3.

In response to the August 12, 2025 email, Mr. Murphy stated that the Court approved his withdrawal as counsel for Defendant effective July 29, 2025 so he is no longer legally authorized to accept service of any documents in the case and that he will not accept service of any documents on Defendant. Sullivan Decl., ¶ 4, Exh. “A”. More specifically, Mr. Murphy stated, the following:

The court approved our withdrawal from this case as counsel for Mr. Byrne effective July 29, 2025, at the hearing on that date and again on July 30, 2025, during the hearing and ruled Mr. Byrne’s right to terminate us is absolute. We filed a Notice of Withdrawal

1 and are no longer in the court's system to accept service of any  
2 documents of any kind that are filed with the court. Since we  
3 have been terminated as of July 29, 2025 as counsel for Mr.  
4 Byrne which is confirmed in the court's rulings of July 29, 2025,  
5 July 30, 2025, and the two rulings dated August 5, 2025, we no  
6 longer are legally authorized to accept service of any documents  
7 in the above-referenced case for any reason and to make any  
8 statements or serve any documents in the above case on behalf  
9 of Mr. Byrne.

10 We also filed and served a Notice of Compliance with the court's  
11 order of July 30, 2025, which confirms our termination as  
12 counsel for Mr. Byrne as of July 29, 2025, and that we have no  
13 authority to accept any documents on his behalf in this case or to  
14 speak on his behalf as a result of that termination. You will need  
15 to find some other method to serve Mr. Byrne with documents.  
16 We are unwilling to do it because it will put us in the position of  
17 violating the Rules of Professional conduct and California case  
18 law which mandates that once we are terminated that we must  
19 not do anything more in the case and we cannot legally accept  
20 service of any documents on behalf of Mr. Byrne. (*Calif. Rule of*  
21 *Prof. Conduct* 1.9; *Reynolds v. Reynolds* (1943) 21 Cal.2d 580;  
22 *Sherman v. Panno* (1954) 129 Cal.App.2d 375.)

23 Please govern yourselves accordingly.

24 *Id.* Counsel for Plaintiff, responded by stating:

25 Thank you for your email. Your belief that you are not bound by  
26 the Court's August 5, 2025 Order is your issue to raise with the  
27 Court and not with us. In that Order, the Court stated (emphasis  
28 added): "Defendant must provide Plaintiff with an email address

1 for electronic service or a physical address for mail or overnight  
2 delivery service of documents. *Until Defendant does so, the*  
3 *Court will not allow Mr. Murphy to withdraw from the*  
4 *case.*” Nothing you filed with the Court has changed the Court’s  
5 August 5, 2025 Order. We will act in compliance with the  
6 Court’s August 5, 2025 Order until either Defendant complies  
7 with that Order in which case the Court stated you will be  
8 relieved as counsel per the language of that order or the Court  
9 orders us to do otherwise. We will note your response in our  
10 notice of motion.

11 *Id.* In response to this, Mr. Murphy stated:

12 Just so we are clear, I will not accept service of any documents  
13 that you want to serve on Mr. Bryne for the reasons stated in my  
14 previous e-mail. It will be an issue that Mr. Bryne and/or his new  
15 counsel as well as you will have to litigate in the future with the  
16 court. I am no longer involved in the case.

17 *Id.*

18 Given that Mr. Murphy’s position directly contradicts the August 5 Order  
19 expressly stating that he is not permitted to withdraw as counsel until Defendant  
20 provides Plaintiff with an email address for electronic service or a physical address for  
21 mail or overnight delivery service of documents, which Defendant has not done.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 Without such relief, the Court's goal of ensuring an orderly progression of the case will  
2 be thwarted.

3  
4 Dated: August 13, 2025

EARLY SULLIVAN WRIGHT  
GIZER & MCRAE LLP

5  
6 By: /s/ Bryan M. Sullivan  
7 BRYAN M. SULLIVAN (State Bar No.  
8 209743)  
9 bsullivan@earlysullivan.com  
10 ZACHARY C. HANSEN (State Bar No.  
11 325128)  
12 zhansen@earlysullivan.com  
13 EARLY SULLIVAN WRIGHT GIZER  
14 & McRAE LLP  
15 6420 Wilshire Boulevard, 17th Fl.  
16 Los Angeles, California 90048  
17 Telephone: (323) 301-4660  
18 Facsimile: (323) 301-4676

19 Richard A. Harpootlian, *pro hac vice*  
20 *rah@harpootlianlaw.com*  
21 Phillip Barber, *pro hac vice*  
22 *pdb@harpootlianlaw.com*  
23 RICHARD A. HARPOOTLIAN, PA  
24 1410 Laurel Street  
25 Columbia, South Carolina 29201  
26 Telephone: (803) 252-4848  
27 Facsimile: (803) 252-4810  
28

*Attorneys for Plaintiff*  
*Robert Hunter Biden*

**DECLARATION OF BRYAN M. SULLIVAN**

I, Bryan M. Sullivan, declare and state as follows:

1. I am a Partner at the law firm of Early Sullivan Wright Gizer & McRae LLP, attorneys of record for Plaintiff Robert Hunter Biden (“Plaintiff”) herein. I submit this declaration in support of Plaintiff’s *Ex Parte* Application For An Order Enforcing The Court’s August 5, 2025 Order (Ecf No. 311) Regarding Service On Defendant. If called as a witness, I would and could testify to the matters contained herein.

2. On August 5, 2025, the Court issued the Order Declining To Grant Default Judgment; Continuing Trial; And Reopening Limited Discovery For Plaintiff (ECF No. 311) (the “August 5 Order”), which I reviewed. As stated by the Court, “to facilitate the timely completion of this new discovery,” in Paragraph III.C.1, the Court ordered:

Defendant must provide Plaintiff with an email address for electronic service or a physical address for mail or overnight delivery service of documents. Until Defendant does so, the Court will not allow Mr. [Michael] Murphy to withdraw from the case.

3. In accordance with that provision of the August 5 Order and because Defendant has not yet provided us with an email address for electronic service or a physical address for mail or overnight delivery service of documents, I caused to be served document requests on Defendant’s counsel Mr. Michael Murphy on August 7, 2025 without objection, and, on August 12, 2025, I sent Mr. Murphy an email pursuant to Local Civil Rule 7-3 concerning a motion for further sanctions.

4. In response to the August 12, 2025 email, Mr. Murphy stated that the Court approved his withdrawal as counsel for Defendant effective July 29, 2025 so he is no longer legally authorized to accept service of any documents in the case and that he will not accept service of any documents on Defendant. Attached hereto as Exhibit “A” is

///



1 a true and correct copy of this August 12, 2025 email exchange I had with Michael  
2 Murphy, Esq., counsel of record for Defendant Patrick M. Byrne.

3 5. I provided Notice of this *ex parte* application to Michael Murphy, Esq. via  
4 email, as required by the Central District of California Local Rules and the Court's New  
5 Case Order (ECF. No. 14). This email is in exhibit is in Exhibit "A" is a true and correct  
6 copy of that notice email. As of the filing of this *ex parte* application, Mr. Murphy has  
7 not indicated whether he intends to oppose this application.

8 I declare under penalty of perjury under the laws of the United States of America  
9 that the foregoing is true and correct. Executed on this 13th day of August, 2025, at  
10 Roanoke, Virginia.

11  
12  
13 /s/ Bryan M. Sullivan  
14 Bryan M. Sullivan

15 5819599.1  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I, Robie Ann Atienza-Jones, hereby certify that on this 13<sup>th</sup> day of August, 2025, a copy of the foregoing **PLAINTIFF ROBERT HUNTER BIDEN'S EX PARTE APPLICATION FOR AN ORDER ENFORCING THE COURT'S AUGUST 5, 2025 ORDER (ECF NO. 311) REGARDING SERVICE ON DEFENDANT; DECLARATION OF BRYAN M. SULLIVAN** was served via email, on the following:

Richard A. Harpootlian  
Phillip D. Barber  
Richard A. Harpootlian, P.A.  
1410 Laurel Street  
Columbia, SC 29201  
Tel: (803) 252-4848  
Fax: (803) 252-4810  
*Email: rah@harpootlianlaw.com;*  
*pdb@harpootlianlaw.com*

*Attorneys for Plaintiff*  
*Robert Hunter Biden*

Michael C. Murphy, Esq.  
Michael C. Murphy, Jr. Esq.  
LAW OFFICES OF MICHAEL C.  
MURPHY  
2625 Townsgate Road, Suite 330  
Westlake Village, CA 91361  
Tel.: 818-558-3718  
Fax: 805-367-4506  
*Email: michael@murphlaw.net;*  
*Michael.jr@murphlaw.net*

*Attorneys for Defendant*  
*Patrick Byrne*

*/s/ Robie Ann Atienza-Jones*  
\_\_\_\_\_  
ROBIE ANN ATIENZA-JONES  
An employee of EARLY SULLIVAN WRIGHT  
GIZER & McRAE LLP

5819721.1